

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 15, 2002

DIVISION TWO

B144918 People (Not for Publication)
v.
Anchondo

The finding that appellant has a prior strike within the meaning of the three strikes law (Pen. Code, §§667, subs. (b)-(i) is reversed. The judgment of conviction is otherwise affirmed.

The judgment sentencing appellant to a four-year prison term is reversed, and the matter is remanded for a new trial on the allegation that appellant has a prior serious or violent felony conviction, if the People so elect, and for resentencing.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

B141745 People (Not for Publication)
v.
Shi Tsair Lee

The judgment is modified to strike the \$10,000 parole revocation fine imposed under Penal Code section 1202.45. As modified, the judgment is affirmed.

The superior court is directed to prepare an amended abstract of judgment indicating (1) that appellant was convicted of first degree robbery rather than second degree robbery and (2) that there is no parole revocation fine. The superior court is further directed to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Nott, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B147876 People (Not for Publication)
v.
Cruz

The judgment is affirmed.

Nott, J.

We concur: Boren, P.J.
Doi Todd, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B147536 People v. Wafer
B146093 People v. Matthews, et al.
B143366 Gallop v. Century 21 Casa & Estates, et al.
B149582 Holmes v. United Independent Taxi, et al.
B147071 People v. Ernesto V.
B148994 People v. Miles
B145535 People v. Vizcarra
B141975 People v. Scott
B150628 People v. Rodriguez
B151098 People v. Frank M.
B147958 People v. Gardner
B149395 People v. Serrano
B147896 People v. Francisco L.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B150142 Catalina Investments, Inc.
 v.
 Jones et al.

Merits:

Argued by Don Glaser for appellant and by Jonathan K. Renner, deputy attorney general, for respondents. Cause submitted.

B143169 People
 v.
 Edwards

Merits:

Argued by Philip Cohen for appellant and by Ana R. Duarte, deputy attorney general, for respondent. Cause submitted.

B150399 Los Angeles County, D.C.F.S.
 v.
 Martin T.
 Claudia B.

Merits:

Argued by Janette F. Cochran for appellant and by Karen Christensen for respondent. Cause submitted.

B148324 People
 v.
 Pena

Merits:

Argued by Carol S. Boyk for appellant and by Michael R. Johnsen, deputy attorney general, for respondent. Cause submitted.

DIVISION THREE (Continued)

B149389 Chiralia
 v.
 Orphan Mary's Foundation

Merits:
Argued by Cornel Chiralia, appellant in propria persona, and by Anthony L Charles for respondent. Cause submitted.

B153002 City of Los Angeles
 v.
 Superior Court, Los Angeles County
 (Davenport, r.p.i.)

Merits:
Argued by Travis S. Austin for petitioner and by Felicia Kahn Grant for real party in interest. Cause submitted.

B145197 Fireman's Fund Insurance Company
 v.
 Whirlpool Corporation, et al.
 Dayco Products, Inc.

Merits:
Argued by Stephen Acker for appellant and by Bruce N. Graham and Tina M. Alleguez for respondents. Cause submitted.

B149303 Fireman's Fund Insurance Company
 v.
 Whirlpool Corporation, et al.
 Dayco Products, Inc.

Merits:
Argued by Stephen Acker for appellant and by Bruce N. Graham and Tina M. Alleguez for respondents. Cause submitted.

DIVISION THREE (Continued)

B146383 In Re Estate of Kathleen T. Hoffman
 v.
 Belfiore

Merits:

Argued by Jeffrey S. Gubernick for appellants and by Mark E. Hurwitz for respondents. Cause submitted.

B151131 Basura
 v.
 U.S. Home Corporation

Merits:

Argued by Kanneth B. Bley for appellant and by Matthew C. Freeman for respondents. Submission deferred.

Court recessed at 12:30 P.M.

Court reconvened at 2:00 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B146709 California Business Bureau, Inc.
 v.
 Bloch

Merits:

Argued by Gregory P. Segal for appellant and by Andrew P. Altholtz for respondent. Appellant may file a supplemental brief by February 15, 2002. Respondent's motion for sanctions is to be filed by January 25, 2002. Submission deferred.

DIVISION THREE (Continued)

B147343 People
 v.
 Ray M.

Merits:
Argued by Allen G. Weinberg for appellant and by David A. Voet, deputy attorney general, for respondent. Cause submitted.

B147420 People
 v.
 Nam

Merits:
Argued by Kenneth Kahn and Jonathan J. Kissel for appellant and by Scott A. Taryle, deputy attorney general, for respondent. Cause submitted.

B136398 Boctor
 v.
 L.A. County Transportation Authority

Merits:
Argued by Alison Turner for appellant and by Bradley C. Gage and James V. Jordan for respondent. Submission deferred pending further order of the court.

Court adjourned at 3:54 P.M.

B153775 City of Beverly Hills et al.
 v.
 Superior Court, Los Angeles County
 (David Phillips et al., r.p.i.)

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B141909 Jagodowicz, M.D.
v.
Seaver et al.

Filed order denying petition for rehearing.

DIVISION FIVE

B151042 People (Certified for Publication)
v.
Patrick Wilson

The judgment is reversed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B127305 People (Not for Publication)
v.
A. Glenville Browne

The judgment is modified to reflect the imposition of both the \$200 Penal Code sections 1202.45 and 1202.4, subdivision (b)(1) restitution fines discussed in the body of this opinion. Upon issuance of the remittitur and imposition of the additional \$200 Penal Code section 1202.45 fine, the superior court clerk shall issue an amended abstract of judgment which reflects both restitution fines and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

DIVISION THREE (Continued)

B148133 Tara Nadian (Not for Publication)
 v.
 George Nadian et al

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Mosk, J.

B149398 People (Not for Publication)
 v.
 Eugene Thompson

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B150868 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Alexandria B., et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

January 15, 2002-Continued

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION SIX

B148515 People (Not for Publication)
v.
Goosby

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B150687 People v. Santos (Not for Publication)

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B150843 Santa Barbara County Child (Not for Publication)
Protective Services
v.
Debbie M.

The judgment (order denying section 388 petition and order terminating parental rights) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SEVEN

B153849 In re Ronald Lee Varnell (Certified for Publication)
on
Habeas Corpus

The trial court is ordered to vacate the judgment and reconsider the sentence in accordance with the views expressed in this opinion.

Perluss, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B147597 People (Not for Publication)
v.
Mel O. Williams

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B148877 People (Not for Publication)
v.
Antonio Vasquez

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Perluss, J.

B146540 People (Not for Publication)
v.
Herald H. Hahn

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Perluss, J.

B144343 Enrica Maria Polese (Not for Publication)
v.
Los Angeles County Law Library et al.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Johnson, Acting P.J.
Perluss, J.

DIVISION SEVEN (Continued)

B142815 John D. Muehsam (Not for Publication)
B144491 v.
 Albert I. Stern et al.

The judgment is affirmed. The order denying Stern his costs of proof under section 2033, subdivision (o) is reversed, and the matter is remanded for the trial court's determination of the amount of expenses Stern reasonably incurred in proving those matters Muehsam denied. Stern is awarded his costs of appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Perluss, J.

B148823 Max Weisman (Not for Publication)
 v.
 Department of Motor Vehicles

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Lillie, P.J.
 Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B142587 People (Not for Publication)
v.
Kenneth Roy Wilson

The judgment is modified to impose an aggregate term of 56 years to life. Count 1 is a term of 25 years to life (infliction of corporal injury upon a coinhabitant). Consecutive to count 1 is count 3 (assault), a term of 25 years to life, enhanced by five years for the prior serious felony and one year for the service of a separate prison term. The weapons use enhancement is stricken from count 3 and is calculated as part of the term for count 2. Count 2 (terrorist threat) is a concurrent term of 25 years to life, enhanced by one year for the use of a deadly and dangerous weapon. (Pen. Code, §12022, subd. (b).) The term for count 2, with its one-year enhancement, is stayed pursuant to Penal Code section 654. In all other respects, the judgment is affirmed. The court shall cause its clerk to amend the abstract of judgment to reflect the modified term of imprisonment and to send the amended abstract of judgment to the California Department of Corrections.

Johnson, Acting P.J.

We concur: Woods, J.
Boland, J. (Assigned)

B139632 People (Not for Publication)
v.
Freddie L. Cole

The judgment of conviction is reversed. The matter is remanded to the trial court with instructions to grant the motion to suppress.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B146003 People (Not for Publication)
v.
Antonio Jacobo

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Perluss, J.

B151491 People (Not for Publication)
v.
Jose R. Martinez

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B150818 People (Not for Publication)
v.
Joshua R. Hutchinson

The judgment is reversed.

Johnson, Acting P.J.

We concur: Johnson, Acting P.J.
 Perluss, J.

DIVISION SEVEN (Continued)

B144539 Daniel J. Klier (Not for Publication)
 v.
 Joel B. Castro et al.

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.